IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 17648 of 2004

Between:

Smt.C.Nagalaxmi, Grade-I Accountant,
District Manager Office, Civil Supplies Corporation,

Ongole.

..... PETITIONER

AND

1. The Board of Directors, The A.P. State Civil Supplies

Corporation Limited, Andhra Pradesh, Hyderabad.
2. The A.P. State Civil Supplies Corporation rep.by its

V.C. and M.D., Somajiguda, Hyderazbad.
3. The District Manager, Civil Supplies Corporation,
   Nellore District.
4. The District Manager, Civil Supplies Corporation,
   Ongole, Prakasam District.
5. The Joint Collector, Nellore and E.O.ED,
   A.P. State Civil Supplies Corporation, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ or order or orders more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd Respondent issued in its No.P.ADMN.A.3/10734/2002, dated 20-1-2003 thereby directing the District Manager, Civil Supplies Corporation, Ongole to recover a sum of Rs.3,54,000/- from the petitioner at the rate of Rs.2,950/- per month till the date of her superannuation which according to the Respondent is double the value of the Stock involved and also stoppage of the annual grade increments without cumulative effect and the action of the 1st Respondent in not passing any orders on the stay application filed by the petitioner in the Appeal filed by her as arbitrary and illegal.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondent Nos.1 to 5: MR.M.B.THIMMA REDDY

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 17648 of 2004

ORDER:

The petitioner is working as a Grade-I Accountant in the respondent-Corporation. She was issued a charge sheet with certain allegations regarding the delivery of rice to a Fair Price Shop Dealer and a final order was passed on 20.01.2003, ordering recovery of Rs.3,54,000/- from the salary of the petitioner and stoppage of two annual increments without cumulative effect.

2. The petitioner being aggrieved by the said order, filed O.A.No.1341 of 2003 before the Andhra Pradesh Administrative Tribunal (for short 'the A.P.A.T.') on 08.02.2003 and the A. P. A. T. passed an interim order staying the order of the second respondent and when the matter came up for hearing, the A. P. A. T. disposed of the same on 18.08.2004, by observing that the O.A. cannot be maintained in view of an alternative remedy of appeal provided under the regulations, giving two weeks time to the petitioner to prefer an appeal. Accordingly, the petitioner preferred an appeal before the first respondent on 01.09.2004 and it is pending before the first respondent.

3. The petitioner by contending that the regulations do not provide for order of the stay of the matters by the appellate Authority, approached this Court through this writ petition, seeking to suspend the operation of the proceedings of the second respondent dated 20.01.2003 pending disposal of the appeal. The petitioner further submitted that the stay granted by the A. P. A. T. continued for one and half year and requested to grant stay of further proceedings during the pendency of the appeal.

4. In the light of the circumstances explained by the petitioner and in view of the pendency of the statutory appeal before the concerned Authority, the writ petition cannot be maintained at this stage, however, since there was stay of the proceedings of the second respondent for a period of one and half year, the stay of further proceedings is directed to be continued during the pendency of the appeal

before the first respondent.

5. The Writ Petition is accordingly disposed of. No costs.

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Dr.G.YETHIRAJULU, J

Date:30th September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Board of Directors, The A.P. State Civil Supplies

Corporation Limited, Andhra Pradesh, Hyderabad.
2. The Vice Chairman and Managing Director, A.P. State Civil

Supplies Corporation, Somajiguda, Hyderazbad.
3. The District Manager, Civil Supplies Corporation,
   Nellore District.
4. The District Manager, Civil Supplies Corporation,
   Ongole, Prakasam District.
5. The Joint Collector, Nellore and E.O.ED,
   A.P. State Civil Supplies Corporation, Nellore.

6. Two C.D. copies.